

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 6:10-cv-292-Orl-19KRS

**\$316,418.50 WITHDRAWN FROM
CHASE BANK ACCOUNT #942-322899-2
HELD IN THE NAME OF YEHODIZ PADUA
D/B/A ONLINE MARKETING SOLUTIONS,**

Defendant.

DEFAULT JUDGMENT OF FORFEITURE

THIS CAUSE comes before the Court upon the Motion of the United States of America for Default Judgment of Forfeiture as to the \$316,418.50 withdrawn from Chase Bank Account #942-322899-2 held in the name of Yehodiz Padua d/b/a Online Marketing Solutions ("Defendant Funds"), Francisco Suero Matos, Yehodiz Padua Valentin, Jose Cecilio Martinez, and Welinton Bautista Castillo, pursuant to rule 55(b)(2) of the Federal Rules of Civil Procedure and Local Admiralty and Maritime Rule 7.03(i)(1). The Court, being fully advised in the premises, finds as follows:

1. On February 22, 2010, the United States filed a Complaint for Forfeiture *in Rem*, alleging that the Defendant Funds constitute proceeds traceable to wire fraud offenses, in violation of 18 U.S.C. § 1343, and, thus, are subject to forfeiture pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C). Doc. No. 1.

2. On February 25, 2010, the Defendant Funds, were served with a copy of the Verified Complaint for Forfeiture *in Rem* and Warrant of Arrest *in Rem*, as required by Supplemental Rule G(3)(b) & (c). Doc. 7.

3. As detailed more fully in the United States' Motion for Clerk's Entry of Default, Doc. 12, on March 4, 2010, in accordance with Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States sent a Notice of Complaint for Forfeiture *in Rem*, a copy of the Complaint for Forfeiture *in Rem*; Track One Notice; Warrant of Arrest *in Rem*, and the Acknowledgment of Receipt of Notice of Verified Complaint for Forfeiture *in Rem* (Notice Package) via certified and regular mail, to Francisco Suero Matos, Yehodiz Padua Valentin, Jose Cecilio Martinez, and Welinton Bautista Castillo. The notice directed the recipients to file a Statement of Right or Interest with the Clerk of Court within 35 days after receipt of the notice.

4. Pursuant to Supplemental rule G(5)(a)(ii)(A), Yehodiz Padua Valentin, Jose Cecilio Martinez and Welinton Bautista Castillo's Statement of Right or Interest were due on April 12, 2010, and Francisco Suero Matos' Statement of Right or Interest was due on April 29, 2010. Pursuant to Supplemental rule G(5)(a)(ii)(B), any other claimant was required to file their Statement of Right or Interest by May 7, 2010.

5. To date, the only defensive pleading filed to the government's verified complaint for forfeiture *in rem* has been stricken.

6. On May 17, 2010, pursuant to Fed. R. Civ. P. 55(a) and Local Rule 1.07(b), and Local Admiralty and Maritime Rule 7.03(h), the United States filed a Motion for Clerk's Entry of Default as to Francisco Suero Matos, Yehodiz Padua Valentin, Jose Cecilio Martinez, and Welinton Bautista Castillo, for failure to file a timely claim in accordance with Rule G of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure. Doc. 12.

7. On July 13, 2010, pursuant to Fed. R. Civ. P. 55(a), the Clerk of the Court entered a Clerk's Entry of Default as to all potential claimants, namely, Francisco Suero Matos, Yehodiz Padua Valentin, Jose Cecilio Martinez, and Welinton Bautista Castillo. Doc. 15.

8. Notice of this civil forfeiture action against the Defendant Funds was published for thirty (30) consecutive days on an official government internet site (www.forfeiture.gov) beginning March 8, 2010, as evidenced by the Declaration of Publications filed with this Court on April 7, 2010. Doc. 8.

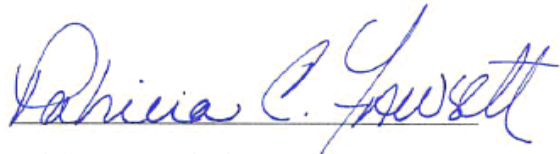
Accordingly, it is hereby **ORDERED, ADJUDGED** and **DECREED** that the motion of the United States is GRANTED;

That pursuant to Fed. R. Civ. P. 55(b)(2) and Local Admiralty and Maritime Rule 7.03(i)(1), judgment of default is hereby entered against Francisco Suero Matos, Yehodiz Padua Valentin, Jose Cecilio Martinez, and Welinton Bautista Castillo, for failure to file a claim within 35 days from the receipt of the notice of forfeiture, as required under Supplemental Rule G(5)(a)(ii)(A);

That pursuant to 18 U.S.C. § 981(a)(1)(C), all right, title and interest in the Defendant Funds is hereby CONDEMNED and FORFEITED to the United States of America, and clear title to the Defendant Funds is vested in the United States of America for disposition according to law.

The clerk is directed to close the file.

DONE and ORDERED in Orlando, Florida, this __26th__ day of
__July_____, 2010.

A handwritten signature in blue ink, reading "Patricia C. Fawsett". The signature is written in a cursive style with a horizontal line underneath the name.

PATRICIA C. FAWSETT, JUDGE
UNITED STATES DISTRICT COURT